IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NOS : 18836 of 2003 AND 3450 OF 2004

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W.P.No.18836 of 2003 :

Between:

Abburi Singaiah, S/o. Ramanaiah,
R/o. Basavannapalem, Maddipadu Mandal, Prakasam District.

..... PETITIONER

and

1.The Commissioner of Collegiate Education, Nampally, Hyderabad, A.P.

2.A.V.Pulla Rao, s/o.Narasimha Rao, Lecturer in Telugu, V.V.& M.College,Ongole

3.M.Brahmaiah, s/o.Ayyanna, Lecturer in Economics, V.V.& M. College, Ongole

4.M.Ramanaiah, s/o.M.Narayanaswamy, Secretary, V.V.& M.College Non-teaching Staff Association, Ongole.

5. Muddana Bhaskar Rao, Correspondent, VV&M College Committee, Ongole.

(Respondents 2 & 3 are impleaded as per court order in WPMP No.2922 of 2004, dt.9.2.2004.)

(Respondent No.4 is impleaded as per court order in WPMP No.31220 of 2003, dated 9.2.2004.)

(Respondent No.5 is impleaded as per court order in WPMP No.7611 of 2004 dated 5-7-2004.)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction especially in the nature of Writ of Mandamus declaring the impugned order of the Respondent in Rc.No. 187/Admn. III-I/2003 dated 28.03.2003 as illegal, arbitrary, without jurisdiction, opposed to principles of natural justice and null and void.

For the Petitioner: MR.MOVVA.CHANDRASHEKAR RAO, Advocate

For the Respondent No.1: GP FOR HIGHER EDUCATION

For Respondents 2 and 3: Mr.M.Sudheer Kumar, Advocate.

For Respondent No.4: Mr. M.Ratna Reddy, Advocate.

For Respondent No.5: Mr.M.V.S.Suresh Kumar.

WRIT PETITION NO : 3450 of 2004

Between:

1 Nagaboina Chalapathi Rao, S/o.Venkateswarlu,
Balaji Nagar, Near N.G.O.Home, Ongole.

2 Kondragunta Veeraiah, S/o.Kotaiah,
H.No.7-323(7), Sambasiva Nagar,
South Bypass Road Ongole.

,..... PETITIONERS

AND

1. Govt.of A.P.rep.by its Prl.Secretary, Higher Education, Secretariat Buildings, Hyderabad.

2. Commissionerate of College Education, rep.by its Commissioner, Nampally Hyderabad.

3. Abduri Singaiah, S/o.Ramaiah,
R/o.Basavannapalem, Maddipadu Mandal, Prakasam Dist.

4. M.Bhaskar Rao, S/o.Venkatappaiah,
Thimma Samudram, Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly in the nature of writ of mandamus declaring the inaction of the respondents 1 and 2 and taking action against the persons indulging, indulged in misusing of funds, diversion of funds etc., as illegal

and consequently direct the respondents 1 & 2 to act upon the enquiry reports available with them regarding VV & M College, Ongole as mentioned in the counter affidavit filed before this Hon'ble court while taking to streamline the functioning of the committee by appropriate verification and conducting fresh elections to the managing committee.

For the Petitioners : MR.K.V.Satyanarayana, advocate

For the Respondent Nos 1 and 2 : GP FOR HIGHER EDUCATION

For the Respondent No.3 : Mr. M.Chandrasekhara Rao, Advocate

For the Respondent No.4: None appeared.

The Court made the following :

COMMON ORDER :

It appears that two Managing Committee meetings were held in respect of V.V. & M.College, Ongole - one on 29.7.2002 headed by Singaiah and another on 4.8.2002 headed by Bhaskar Rao. Both the rival groups have selected their own governing body members. Each one of them appears to be claiming in their own right to be genuine and requested the Director of Collegiate Education to approve correspondentship in their favour. The matter appears to be under consideration and in the meanwhile, the Director of Collegiate Education sought enquiry to be conducted on the alleged complaints against the correspondent of V.V.& M.College, Ongole on misuse of college and committee funds, misuse of powers by the correspondent, etc. In the meanwhile, on 28.3.2003 an order was

passed by the Director of Collegiate Education directing the Principal, V.V.& M. College, Ongole to submit bills to the Principal, D.S.Government College for Women, Ongole for counter signatures. These proceedings dated 28.3.2003 were questioned in the Writ Petition No.18836 of 2003 in which Rule Nisi was issued on 5.9.2003, and on 24.12.2003 a learned single Judge granted interim suspension of these proceedings. There were certain implead petitions filed, which were ordered. A vacate application was also filed. On 9.2.2004, W.P.M.P.No.23546 of 2003, and vacate applications W.V.M.P.Nos.3821 of 2003 and 481 of 2004 were disposed of, thereby modifying the interim order dated 24.10.2003 and permitting the Principal, D.S.Government College for Women to countersign the bills along with the writ petitioner pending further orders. This order is in operation as of today. Apart from the aforesaid Writ Petition No.18836 of 2003, W.P.No.3450 of 2004 was filed by two petitioners purporting to be in public interest solely with the object that V.V.M.College survives and runs on proper lines and government funds are utilized properly. The petitioners alleged that the authorities had conducted investigation into various alleged acts of the correspondents and report had been submitted, but no action has been taken by the government. Therefore, in the said writ petition, direction is sought against the respondents 1 and 2 to act upon the enquiry report and take steps to streamline the functioning of the committee by appropriate verification and conducting fresh elections to managing committee, if necessary.

Notice in the said writ petition was also issued.

We have taken up both these writ petitions for consideration and the rival groups are represented before us. We are informed by the government that the Director of Collegiate Education, has, in the mean while, constituted a committee to verify the correctness of the committee's bye-laws and members and also elections of V.V.& M.

College Education Society and submit its report. The committee consists of the Regional Joint Director of Collegiate Education (F.A.C.), Guntur; the Regional Joint Director of College Education, Rajahmundry and the Administrative Officer, S.R.R. and C.V.R. Government Degree College, Vijayawada. The report of the committee constituted for the purpose of ascertaining the facts in the reference made to the committee, is still awaited as per the counter affidavit of the Joint Director filed today in Court.

In view of the fact that the committee has already been constituted and report is awaited, we are of the view that while making the order passed on 9.2.2003 in W.V.M.P.Nos.3821 of 2003 and 481 of 2004, and WPMP No.23546/2003 in W.P.No.18836 of 2003 final till appropriate decision is taken by the Director of Collegiate Education in the matter on the issue before him, we will dispose of the Writ Petitions with a direction that the Director of Collegiate Education will proceed to pass appropriate orders considering the report of the committee constituted by him for enquiring into the various allegations against the management and the Director of Collegiate Education will ensure that the committee constituted by him would expedite submission of report by fixing time schedule to submit the report and that he takes an appropriate decision thereupon after hearing the rival groups within a period of one month from the date of receipt of the report. In addition to that, the Director of Collegiate Education will also act upon the enquiry report obtained by him on the alleged misuse of college and committee funds and misuse of powers by the then correspondent. On that also, he should simultaneously take appropriate action as deemed fit and proper by him within the same time.

(DEVINDER GUPTA, CJ)

05.07.2004

(G.ROHINI ,J)

Copy to:

1) The Prl.Secretary, Higher Education, Govt.of A.P., Secretariat Buildings, Hyderabad.

2) The Commissioner, Commissionerate of College Education, Nampally, Hyderabad.

3) The Director of Collegiate Education, A.P., Hyderabad.

4) Two CCs to the G.P.for Higher Education, High Court Buildings, High Court of A.P., Hyderabad.

5) Two CD copies.

TVR/DRK